IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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§

88888

Application of:

Martin Debreczeny et al.

Serial No.: 10/797,475

Filed: March 9, 2004

For: PULSE OXIMETRY MOTION

ARTIFACT REJECTION USING NEAR INFRARED ABSORPTION

BY WATER

Group Art Unit: 3768

Examiner: W

Winakur, Eric Frank

Atty Docket: TYHC:0147/FLE/POW/STA

P0397R: 009103-019700US

MAIL STOP ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

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August 14, 2007

Date

Deniso M. Mordan

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

On June 4, 2007, a Notice of Allowability and a Notice of Allowance and Fee(s) Due was mailed for the above-referenced application. Attached to the Notice of Allowability, the Examiner provided a Statement of Reasons for Allowance.

In the Statement for Reasons for Allowance, the examiner correctly noted that dependent claims 4 and 6 have been amended to claim a range of wavelengths where water is a dominant absorber in accordance with an exemplary range disclosed in the specification to correct an unintentional implication that wavelengths near 900 nm are wavelengths at which water is a

dominant absorber. However, it is not believed that dependent claims 4 and 16 are limited to any specific embodiments disclosed in the specification. Indeed, independent claims 1 and 14, as wells as respective dependent claims 4 and 16, should be interpreted in accordance with the accepted canons of claim construction and should not be unduly limited by any limitations read in from the specification or by any implied estoppels resulting from the Examiner's Statement for Reasons of Allowance.

Respectfully submitted,

Date:

August 14, 2007

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